UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,118	08/31/2001	Raj Kumar	ORA005 US	2074

56135　　7590　　04/10/2006

SILICON VALLEY PATENT GROUP LLP
2350 MISSION COLLEGE BLVD.
SUITE 360
SANTA CLARA, CA 95054

EXAMINER
DAS, CHAMELI

ART UNIT	PAPER NUMBER
2192	

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action *Before the Filing of an Appeal Brief*	09/945,118	KUMAR ET AL.
	Examiner	Art Unit	
	CHAMELI C. DAS	2192	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>07 March 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). *remarks*

7. ☒ For purposes of appeal, the ~~proposed amendment(s):~~ a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: <u>*14 and 29*</u>.
   Claim(s) rejected: <u>*1-13, and 15-28*</u>.
   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
   <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: : Applicant's argument filed on 2/16/06 has been fully considered but they are not persuasive. In remarks, the applicant argued in substance:

(1) Burke (US 6,789,252) does not disclose that "multiple instances of the database server"
Response:
(1) The claims do not recite the above limitation.

(2) Burke patent fails to disclose or suggest "multiple instances of the application"
Response:
(2) Burke dislcoses each instance as a combinatin of objects and instance variables (col 6 lines 30-32) and objects include business objects (col 6 lines 22-23) and each business objects can be used to build mulitple business application such as "Product Composition System (PCS) for managing the definition of products, specifications, customer prefences, processes, manufactureing and facility cababilities, resources, darwing instructions, and industry stanadards" (col 5 lines 64-67, col 6 lines 1)

(3) .Burke fails to disclose or suggest "creating a new object outside of process context"
Response:
(3) Claim 1 does not recite the above limitation.

(4) Burke does not disclose "newly-created object is used to accessed a resource that is shared by multiple instances (i.e. multiple sets of processess) of the application
Response:
(4) Burke discloes the above limitation in col 7 lines 45-65 and col 8 lines 1-57), where "business object" (newly created object) provides common definition and execution of different commerce processes (col 7 lines 52-53) The invention provides a common view of supply and demand (col 7 lines 45-47) where the resource (common view) is shared by multiple instances such as "Product Composition system application for managing the definition of products, specifications, customer preferences, processes, manufactureing and facility cabalities, etc, (col 8 lines 1-10)

(5) Burke does not disclose "shared resource to be accessed by the new application instance using the newly created object"
Response:
(5) See the response of argument (4) above.

(6) Burke does not disclose the setting up of connectivity between an instance of a multi-process application and a network.
Response:
(6) Burke discloses the network connectivity between the busine objects (instances of a multi-process application) and a network (col 63 lines 25-30).

(7) Burke does not disclose "starting execution of the new instance of the application"
Response:
(7) Burke discloses the above limitation. In col 4 lines 37-40 indicates that the goal of the present inventin is to execute a set of business objects (instances), in col 25 lines 42-54 indicates that the created objects are launched and exeute.

(8) Burke's instances are instantialtions of OOP objects.
Response:
(8) In the present application the claims do not recite any limitation that the environment of the method cannot be an object-oriented environment

(9) Burke does not teach the limiations of claim 2, 23, 7, 10 and 27.
Response:
(9) Examiner believes that Burke discloses the limitatins of the above claims

(10) Burke does not disclose the limitation of the claim 14.
Response:
Examiner agrees that Burke does not disclose the limitation of claim 14 and objected claims 14 and 29.

ohaml· C·Dom

CHAMELI C. DAS
PRIMARY EXAMINER
3/30/06.